IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL INDICTMENT
v.	:	NO. 1:14-CR-00227-TCB-RGV
	:	
AARON BLAKE BUCKLEY,	:	
	:	
Defendant.	:	

SENTENCING MEMORANDUM OF AARON BUCKLEY

Comes now the defendant, Aaron Buckley, by and through his undersigned counsel, who submits this sentencing memorandum in advance of the April 10, 2017 sentencing hearing.

3553 Factors Warranting Departure

Attached to this memorandum is the complete e-mail Mr. Buckley addressing how he has spent the last few years since his arrest on this indictment. Through his explanations, he has unknowingly highlighted for counsel factors under 18 U.S.C. §3553 that are pertinent to sentencing. Below is a summary of relevant portions of his activities, as well as an explanation of other issues referenced in the presentence report.

I. Childhood

Mr. Buckley had a somewhat unstable childhood. In his own words, he "never

really [led] a normal life" and never "had an education". By first grade, he had been removed from any formal education program to be home schooled by his mother.

Shortly thereafter his mother suffered several losses in her family and became clinically depressed. At that time, any education he was receiving in the home more or less ceased and Mr. Buckley began to live an extremely isolated life. He rarely left home with the exception of doctors' visits. He found his only connection with the outside world through computers. The internet is how he learned to communicate with others, make friends and self-teach himself. The internet contacts were the only real form of friendship or education he had known. (Buckley e-mail, X)

II. Community Work

Through his virtual life Buckley became involved in a subreddit for LGBTeens. Reddit is a web-based forum that allows registered users to post content, ask questions, and communicate with one another. A subreddit is a group within Reddit with a particular focus. Subreddits generally have moderators and rules to keep the space safe for participants.

Initially his involvement with this particular Subreddit was as a member. However once Mr. Buckley became more involved in the group and comfortable in the online community, he began to take a leadership role. He is currently one of the most active moderators (table attached as Exhibit A). As a moderator, Buckley makes the rules and guidelines for the group, primarily to keep teens safe from potentially

predatory behavior. He also addresses the concerns of the group members and moderates any potential guideline violations.

Aside from work within the group, Mr. Buckley also has responded to inquiries from researchers at Harvard, UNC Chapel Hill, the Human Rights Campaign, Robert H. Lurie Children's Hospital and the University of Southern California, among others.

For members, the group essentially serves as an online support group, providing comfort and advice for those who may not be able to ask for it in their personal lives. Teenagers seek advice, but so do parents of gay, lesbian, bi-sexual or transgender teens. The community has prevented self-hatred, self harm, and suicide. It has also opened doors for families to be able to navigate the complexities of sexuality as a youth.

In speaking with Mr. Buckley and reading his personal statement, what is most obvious is how proud he is of this work. He is the type of person whose purpose is to help others. (Buckley e-mail, XII)

III. Post-Offense Rehabilitation

The Supreme Court in *Gall v United States,* affirmed a downward variance based on post-offense rehabilitation. Before *Gall*, several circuits had determined that pre-sentence rehabilitation may be a valid reason for a sentencing court to depart from the recommended guideline range.

As previously stated, Buckley's upbringing cannot be characterized as normal. He found the only release he had, both socially and intellectually, in computers. It was not until after the return of this indictment that Buckley made an effort to seek real-world relationships. He has since traveled to meet like-minded friends, volunteered at gaming conventions, and done freelancing for different tech projects. (Buckley e-mail, I-XI).

Aaron Buckley is a completely different person today than the day the indictment was issued. He now has the confidence, social skills and practical skills to be a functioning member of society.

IV. Current Family Situation

Mr. Buckley expressed deep concern for what his sentence means for his family. His younger brother Brent has many complicated health issues. He is constantly traveling interstate to see various specialists. He is prone to seizures and needs round-the-clock care. His gray matter is deteriorating which means his health will decline. His cognitive and speech impairment will increase over time. He is also gradually losing his sight.

His other siblings have children who are in the custody of his grandparents. The children cannot stay with Mr. Buckley and his mother as loud noises and chaos can trigger his Brent's seizures. Their mother leaves home, with the other children, to be at his grandparents on an almost daily basis. Aaron is left at home as his

brother's primary caretaker. The family is concerned about the adverse impact being removed from the home would mean for his brother and nieces and nephews . (Buckley e-mail, XII).

Conclusion

In conclusion, given Aaron Buckley's early and continued cooperation, his willingness to testify, the circumstances surrounding his upbringing and his post arrest conduct a period of home confinement followed by supervised release would be a reasonable sentence that is no harsher than necessary to address the objectives and criteria of 18 U.S.C. §3553.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true and correct copy of the within and foregoing pleading upon counsel for the government by electronically posting through the District Court's ECF Filing System, addressed as follows:

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This 6 day of April, 2016.

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